

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DANIEL JACKSON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:07CV849 RWS
)	
CITY OF WEBSTER GROVES,)	
MO, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before me on defendants' motion to compel plaintiff to respond to certain questions at his deposition. Plaintiff refused to answer certain questions about the underlying facts that form the basis of this case based on his lawyer's advice. Plaintiff's lawyer did not object to the questions on the ground that they sought privileged information. Instead, the lawyer decided the questions were irrelevant. This is an improper basis upon which to limit plaintiff's examination. See Fed. R. Civ. P. 30. The motion to compel is granted, and plaintiff is instructed to answer all questions, subject to objections, unless there is a claim of privilege or some other basis under Rule 30 not to do so. **Under Rule 37(a)(4)(A), plaintiff shall show cause by Friday, April 18, 2008, why the Court should not impose expenses and attorney's fees against plaintiff and his attorney for their refusal**

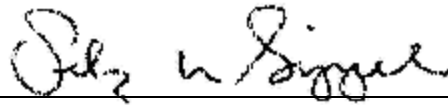
to participate in discovery.

Finally, defendants ask for the Court to vacate their mediation on April 28, 2008, because of plaintiff's refusal to answer questions at his deposition. I will deny this request because plaintiff is now required to answer these questions. I expect the parties to work together to schedule a continuation of plaintiff's deposition in sufficient time to complete the mediation as currently scheduled. If the parties need additional time to complete mediation, I will consider such a request but only after the parties demonstrate **substantial good faith efforts** to meet the current deadlines.

Accordingly,

IT IS HEREBY ORDERED that the motion to compel [#39-1] is granted, and the motion for relief from mediation [#39-2] is denied.

IT IS FURTHER ORDERED that **plaintiff shall show cause by Friday, April 18, 2008, why the Court should not impose expenses and attorney's fees against plaintiff and his attorney for their refusal to participate in discovery.**



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this_ day of April, 2008.